

EXPRESS TERMS
TITLE 13. MOTOR VEHICLES
ARTICLE 4.7 SCHOOLS FOR TRAFFIC VIOLATORS

Sections 345.39, 345.45, 345.56 and 345.78

§345.39. Conducting Classes.

Approval for conducting traffic violator education courses shall be contingent upon the traffic violator school conducting classes as follows:

- (a) Only one school shall conduct class in any specific classroom at one time.
- (b) The school shall ensure that students understand the language in which the course is presented by talking with students during registration.
- (c) The instructor shall have the school's approved lesson plan in his/her possession for the duration of the class and shall follow that lesson plan.
- (d) The instructor shall have a current Vehicle Code in his/her possession for the duration of the class.
- (e) The instructor shall have evidence of licensure, which is specific to the school offering the class, in his/her possession, except as exempted by Vehicle Code Section 11206. The identification card issued by the department in accordance with Section 345.06(g) shall be used to meet this requirement, unless a permanent license has not yet been issued.
- (f) The instructor shall ensure that the exterior of the classroom is clearly marked with the school name, as a guide to students. In a hotel or convention center type facility, a notice on the facility's bulletin board or room locator shall be sufficient.
- (g) The instructor shall identify himself/herself by name to the class, state the full name of the school and post both names in the classroom.
- (h) The instructor shall not admit any student to the class if the student arrives more than 15 minutes after commencement of instruction. This provision shall apply to students returning late from lunch or rest breaks. An instructor may admit a student to class who is late less than 15 minutes, provided that the instructor provides the student with a make-up session, which covers the actual class instruction missed by being late, during the lunch break or after normal class hours.
- (i) The instructor shall ensure that a sign is posted in each classroom for the duration of the class which reads: "No Alcoholic Beverage To Be Consumed Or Possessed By Students During School Hours". Owners, operators and instructors shall strictly enforce this requirement and shall not permit any person to participate in any class who is under the influence of alcohol, has any alcoholic beverage on his or her person or who consumes any alcoholic beverage in the classroom.
- (j) A traffic violator course shall not be combined with any other driver education or driver improvement course.
- (k) Topics discussed by an instructor or during student participation or audio visual aids shall not include topics which are not of a traffic safety nature, including but not limited to: offering advice on how to beat traffic tickets, courtroom procedures and police jurisdictions.
- (l) No instructor shall knowingly give false or misleading information to any student.

(m) The instructor shall conduct himself/herself in a professional and courteous manner at all times when students are present.

(n) At the start of any class, the instructor shall explain the affect of attendance on the students' driving records pursuant to Vehicle Code Section 1808.7, including the information that not all courts allow participation in traffic violator school program as part of the adjudication of a traffic violation.

(o) The instructor shall validate the student information provided on the roster sheet or enrollment card, pursuant to Section 345.56(a), with the student's actual driver license.

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11202, 11219 and 1808.7, Vehicle Code.

§345.45 Issuance, Content and Disposition of Completion Certificates.

(a) When a traffic violator school determines that a student referred by a court has satisfactorily completed the course, the school shall issue the student a completion certificate, form OL 730 (Rev ~~7/93~~ 2/2005), which shall contain the following information:

(1) A unique preprinted number assigned by the department.

(2) Name, address, birth date and driver license number of the student.

(3) The date of course completion and the city and date the certificate was issued ~~the issuance date of the certificate.~~

(4) The name, additional DBA's, primary business address, city and license number of the traffic violator school issuing the completion certificate.

(5) Length of the course completed.

(6) The total course fee.

(7) The name of the court which ordered the student to attend traffic violator school and the case or docket number of the violation.

(8) The license number of the instructor. If the instructor has a temporary license, the number of the school followed by a slash (/) and a "T" shall be noted in lieu of the instructor license number; if the instructor is credentialed, the number of the school followed by a slash (/) and a "C" shall be noted in lieu of the instructor license number.

(9) A statement certifying under penalty of perjury that the information contained on the certificate is true and correct, signed by the student and the course instructor. The certificate shall be signed only after the student has satisfactorily completed the course. The student shall sign the certification statement prior to departure from the class.

(b) The completion certificate shall be prepared in triplicate for disposition as follows:

(1) The original shall be the court's copy and shall be issued to the student upon successful completion of the course. It shall be the student's responsibility to submit the completion certificate to the court which ordered the student to attend traffic violator school.

(2) The first copy shall be the student's copy of the certificate and shall constitute a receipt for the student provided that the certificate is issued the same day the fee is paid.

(3) The second copy shall be the traffic violator school's copy and shall remain with the business records of the school.

(c) Completion certificates shall not be duplicated or reproduced for any purpose.

(d) Except as specified in county or court contracts which are exempt under Vehicle Code Section 42005(~~d~~ f), no school shall mail or otherwise deliver any completion certificate to the court of jurisdiction for any student.

(e) ~~If~~ When a student does not satisfactorily complete the course the same day that payment is made for the course or the student has elected to attend the course, the traffic violator school shall issue the student a separate and distinct receipt for payment. The receipt shall contain the following information:

(1) Amount paid by the student and date of payment. This amount shall be the total cost to the student for the course, including any fee charged for the certificate.

(2) Name and driver license number of the student.

(3) Name, primary business address, and license number of the school.

(f) A certificate of completion, form OL 730 (Rev 2/2005), shall not be issued to any person who elects to attend a traffic violator school or any person who holds a class A, class B, or commercial class C driver license.

Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections: 11208, 11212, 11219 and 11219.5, Vehicle Code.

§345.56. Business Records.

(a) Each traffic violator school shall maintain records of every traffic violator school class conducted pursuant to Vehicle Code Section 11212 for a minimum of three years. A roster sheet or set of student enrollment cards shall be completed for each class conducted. The roster may be maintained electronically and shall contain the following:

(1) The information required in Vehicle Code Section 11212 plus,

(2) The telephone number of each student, unless the student does not have a telephone, and the post knowledge test score of each student.

(3) The driver license class of each student.

(4) The citation number of a student referred pursuant to Vehicle Code Section 42005 or an indication that the student elected to take the course.

(b) Each traffic violator school owner shall maintain records of each completion certificate purchased and issued for a minimum of three years.

(1) The school shall maintain all receipts for purchase of certificates from the department.

(2) The school copy of each completion certificate issued shall be maintained in numerical order.

(3) Any voided completion certificate shall be marked void on the original and both copies. The original and both copies of a voided certificate shall be maintained in numerical order.

(4) The school shall maintain a copy of every request for refund for fees paid for completion certificates.

(5) The school shall maintain a copy of every report of stolen or lost certificate(s).

(c) The school shall maintain a copy of each quarterly report on classroom location activity for a minimum of three years.

(d) The school shall maintain a copy of each receipt issued pursuant to Section 345.45(e) for a minimum of three years, unless a notation that a receipt was issued, including the date of payment and the amount paid, is made on the class roster sheet or student enrollment card.

Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11212, ~~and~~ 11219.5, 15210 and 42005 Vehicle Code.

345.78 Traffic Violator School Attendance ~~by Owners or Employees.~~

(a) ~~No~~ An owner, operator, administrator or instructor of a traffic violator school may not attend any class offered by the school for which he/she is licensed, in lieu of adjudication of any personal traffic citation.

(b) In order to determine compliance with Vehicle Code Section 42005, each traffic violator school shall verify the driver license class and a copy of the citation of each student prior to the student attending the course. The following persons may not attend a traffic violator school in lieu of adjudicating a traffic offense:

(1) Any person holding a class A, class B, or commercial class C driver license.

(2) Any person regardless of driver license class that committed a traffic offense that occurred in a commercial motor vehicle, as defined in subdivision (b) of Vehicle Code Section 15210.

(c) Any person described in subdivision (b) that complies with Vehicle Code Section 11200 (b), may elect to attend a traffic violator school.

Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code. Reference: Sections 11200, 11202, 15210, and 42005, Vehicle Code.